

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

LETICIA and YOVANY,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

Civil Action No. 22-cv-7527
(Garaufis, J.)
(Levy, M.J.)

JOINT DISCOVERY STATUS REPORT

In accordance with the parties' Joint Discovery Plan of March 21, 2024 (ECF No. 62), which was approved by the Court by Minute Entry on April 3, 2024, the parties submit the following Joint Discovery Status Report. The parties met and conferred on June 5, 2024 regarding the discovery issues described below. At this time there are no disputes that are ripe for the Court's determination.

Deliberative Process Privilege. On May 24, 2024, Plaintiffs wrote to Defendant demanding that Defendant rescind its claims of Deliberative Process Privilege ("DPP") to redact portions or the entire contents of over 2,100 documents from the policy-related common discovery produced in *C.M. v. United States*, Civil Action No. 2:19-cv-05217-SRB (D. Ariz.) and *A.P.F. v. United States*, 21:19-cv-05217 (D. Ariz), which Defendant produced to Plaintiffs on March 15, 2024, and to refrain from invoking the DPP in this case going forward. During the parties' June 5, 2024 meet-and-confer, Defendant explained that it is still formulating its position on Plaintiffs' demand. Defendant agreed to promptly provide Plaintiffs its position in writing, and the parties agreed to discuss an expedited briefing schedule on a motion to compel in the event the parties are at an impasse.

Deposition of Former Sec. John F. Kelly. On May 7, 2024, Plaintiffs served a notice of deposition on Defendant for the deposition of former Secretary of Homeland Security John F. Kelly. On May 24, 2024, Plaintiffs wrote to Defendant noting that Defendant had raised logistical concerns regarding depositions of high-ranking former officials at the April 3, 2024 status conference and requested that Defendant inform Plaintiffs of any issues with respect to procuring former Secretary Kelly. During the June 5, 2024 meet-and-confer, Defendant stated its position that a subpoena, rather than a deposition notice, is the proper mechanism for noticing the deposition on the basis that Secretary Kelly is no longer employed by Defendant. Defendant also stated its position that Plaintiffs would not be able to meet their burden to depose former Secretary Kelly. Defendant agreed to notify Plaintiffs if it could accept a subpoena on behalf of Secretary Kelly. Plaintiffs reserve the right to challenge Defendant's failure to serve written objections to Plaintiffs' May 7, 2024 notice, but for the time being will continue to meet-and-confer with Defendant regarding former Secretary Kelly's deposition.

Deposition Accommodations for Plaintiff Leticia. Plaintiffs wrote to Defendant on May 24, 2024 to raise the issue of accommodations for Plaintiff Leticia's deposition in light of her health conditions. Defendant expressed openness to certain accommodations in principle, and Plaintiffs agreed to provide additional information to assist Defendant in formulating its position. The parties will continue to meet-and-confer regarding this issue.

Written Discovery. Each party has served its first set of requests for production of documents and interrogatories on the other party, and each party is working diligently on serving responses and objections. The parties anticipate meeting and conferring in the coming weeks to attempt to resolve any objections or challenges to the same.

Dated: June 6, 2024
New York, NY

By: /s/ Zane Muller

Zachary Manfredi*
Jessica Hanson*
Marcela X. Johnson*
(646) 937-0368
zachary.manfredi@asylumadvocacy.org
jessica.hanson@asylumadvocacy.org
marcela.johnson@asylumadvocacy.org

ASYLUM SEEKER ADVOCACY PROJECT
228 Park Avenue South, #84810
New York, NY 10003

Dennis Hranitzky
Sydney Snower
Alex Spiro
Zane Muller
(212) 849-7000
dennishranitzky@quinnemanuel.com
alexspiro@quinnemanuel.com
sydneysnower@quinnemanuel.com
zanemuller@quinnemanuel.com

QUINN EMANUEL URQUHART &
SULLIVAN, LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010

Attorneys for Plaintiffs

**Admitted pro hac vice*

Dated: June 6, 2024
Brooklyn, New York

BREON PEACE
United States Attorney
Attorney for Defendant
Eastern District of New York

271-A Cadman Plaza East
Brooklyn, New York 11201

By: /s/ Alexandra Megaris

Kimberly A. Francis
Alexandra Megaris

Assistant U.S. Attorneys
(718) 254-6147
(718) 254-6105
(718) 254-7509
kimberly.francis@usdoj.gov
alexandra.megaris@usdoj.gov

*Attorneys for Defendant
United States of America*